

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1-18 have been amended. No claims have been added. Claims 19-24 have been withdrawn.

ELECTION/RESTRICTION

The Office Action of November 21, 2003 identified two inventions:

Claims 1-18 are drawn to a method and program for dividing a set of target devices into subsets of target devices and varying the timing with which the message is communicated to the respective subsets of target devices, classified in class 709, subclass 228...

Claims 19-24 are drawn to a method and program for receiving a message, the message having a bin value and a hashing value; performing a hashing function and responding to the message if the hash result is equal to the hash value, classified in class 707, subclass 10.

See page 2.

During a telephone conversation, Applicants provisionally elected claims 1-18. Applicants hereby affirm the provisional election without traverse. Accordingly, claims 19-24 have been withdrawn.

CLAIM AMENDMENTS

Some claim amendments made herein are intended to remove redundancies from the claims and are not motivated by the cited references or the indefiniteness rejection.

CLAIM REJECTIONS - 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-18 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 1, 4, 7, 10, 13 and 16

have been amended to provide proper antecedent basis for “timing” and claims 2, 3, 5, 6, 8, 9, 11, 12, 14 and 15 have been amended to change “set” to “subset” to be consistent with the independent claims. Claims 5, 6, 14 and 15 have been amended to remove “sequences of” to be consistent with claims 4 and 13. Claims 8, 9, 17 and 18 have not been amended to remove “sequences of” because claims 7 and 16 include the phrase “sequences of instructions.” Claims 1, 4, and 7 were further amended to provide proper antecedent basis for “subsets to which a particular device belongs.” Accordingly, Applicants request that the claim rejections under 35 U.S.C. § 112, Second Paragraph be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 102(e)

Claims 1, 4, 7, 10, 13 and 16 were rejected as being anticipated by U.S. Patent No. 6,085,238 issued to Yuasa, et al. (hereinafter “*Yuasa*”). For at least the reasons set forth below, Applicants submit that claims 1, 4, 7, 10, 13 and 16 are not anticipated by *Yuasa*.

Claim 1 recites:

dividing a set of target devices to which a message is targeted into subsets of target devices, wherein a subset to which a particular device belongs is determined based on an identifier of the device and the number of subsets of target devices; and
varying a timing with which the message is communicated to the respective subsets of target devices.

Thus, Applicants claim transmitting the same message to multiple subsets of target devices and varying the timing with which the message is communicated to the subsets of target devices. Claims 4, 7, 10, 13 and 16 similarly recite varying the timing with which the message is communicated to subsets of target devices.

Yuasa discloses a virtual LAN system in which network devices form virtual groups and network configurations can be changed dynamically. See col. 7, lines 5-10. However, Applicants can find nothing in *Yuasa* that discloses varying the timing with which a common message is communicated to different groups.

Specifically, *Yuasa* discloses:

The virtual group registration table 2 is provided for each group... [T]he priority for each virtual group and client address can be set. A virtual group control section 6 in the virtual group agent VGA allocates a band ***of each traffic type of unicast, multicast, and broadcast*** in group units in response to the virtual group priority.

See col. 17, lines 49-56 (emphasis added). Thus, *Yuasa* discloses allocating different traffic types to different groups. However, because the traffic types are different, the specific messages transmitted will be different. Therefore, *Yuasa* does not disclose varying the timing with which a common message is communicated to different groups. Therefore, Applicants submit that *Yuasa* does not anticipate the invention as claimed in claims 1, 4, 7, 10, 13 and 16.

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18 were rejected as being unpatentable over *Yuasa* in view of U.S. Patent No. 6,396,814 issued to Iwamura, et al. (hereinafter "*Iwamura*"). For at least the reasons set forth below, Applicants submit that claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18 are not rendered obvious by *Yuasa* and *Iwamura*.

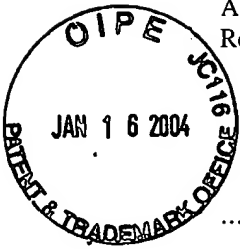
Claims 2 and 3 depend from claim 1. Claims 5 and 6 depend from claim 4. Claims 8 and 9 depend from claim 7. Claims 11 and 12 depend from claim 10. Claims

14 and 15 depend from claim 11. Claims 17 and 18 depend from claim 16. As discussed above with respect to the independent claims, *Yuasa* fails to disclose the limitations of the independent claims. Applicants submit that whether or not *Iwamura* discloses the limitations of the dependent claims, *Iwamura* fails to cure the deficiencies of *Yuasa* set forth above.

Iwamura does not disclose estimating a number of devices coupled to the network. The Office Action cites Figures 1, 4 and 7 and associated text for the assertion that *Iwamura* does disclose estimation. However, these figures illustrate a network graph and a process by which network components can determine the network topology. See, for example, col. 13, line 54 to col. 14, line 16. *Iwamura* does not disclose estimation of the number of devices coupled to the network as recited in claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18. *Yuasa* is not cited to teach and does not teach estimation of the number of device coupled to a network. Therefore, no combination of *Yuasa* and *Iwamura* can teach or suggest the invention as claimed in claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15, 17 and 18.

SUMMARY OF THE INVENTION

The Office Action requested that Applicants add a "Summary of the Invention" description to the application. However, Applicants would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicants were to elect to include one.



In particular, 37 C.F.R. §1.73 only states that “[a] brief summary of the invention ... should precede the detailed description.” 37 C.F.R § 1.73 does not state “must” or “shall.” Accordingly, Applicants have elected not to include a “Summary of the Invention” as this is within the discretion of Applicants.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-18 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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